

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

IVAN ARRIAGA-ZAVALA,

Defendant.

8:04CR414

ORDER

Defendant Ivan Arriaga-Zavala (Arriaga-Zavala) appeared before the court on July 31, 2006 Petition For Warrant or Summons For Offender Under Supervision (Report) (Filing No. 25) Arriaga-Zavala was represented by Assistant Federal Public Defender David M. O'Neill, and the United States was represented by Assistant U.S. Attorney Douglas R. Semisch. Rafael Carrillo, a certified interpreter in the Spanish language, served as the interpreter by remote telephone hook-up. Through his counsel Arriaga-Zavala waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause, and Arriaga-Zavala should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Arriaga-Zavala declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Arriaga-Zavala's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence he is neither a flight risk nor a danger to the community, the court finds Arriaga-Zavala has failed to carry his burden and Arriaga-Zavala should be detained pending a dispositional hearing before Chief Judge Joseph F. Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon, in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 8:30 a.m. on August 16, 2006.** Defendant must be present in person.
- 2 Defendant Ivan Arriaga-Zavala, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 31st day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge